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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 27.06.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.25662 of 2022

B.Bindhu ... Petitioner

Versus

1.The Commissioner of Police,
Chennai City Police,
Vepery, Chennai – 600 007.

2.The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai – 600 094.

3.The Sub Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai – 600 094. ... Respondents

PRAYER : Criminal Original petition filed under Section 482 Cr.P.C. praying to transfer the investigation in Crime No.101 of 2019 pending on the file of the third respondent / Sub Inspector of Police, F-5 Choolaimedu Police Station, Chennai to CBI or CBCID and further investigate the case and file the final report before the competent Court.

For Petitioner : Mr.K.V.Muthu Visakan
For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

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O R D E R

This petition has been filed seeking to transfer the investigation in Crime No.101 of 2019 pending on the file of the third respondent / Sub Inspector of Police, F-5 Choolaimedu Police Station, Chennai to CBI or CBCID and further investigate the case and file the final report before the competent Court.

2. The petitioner had lodged a complaint with the respondent police on 17.02.2019 that her husband committed suicide due to the harassment given by Vijay Aravind, Proprietor of M/s.Rudraksh Housing, Shawn and Ganesh. The suicide note along with the payment of loan particulars with the builder have been submitted to the police. Thereafter too, no action has been taken. The petitioner sent a representation to the Commissioner of Police on 02.03.2020. Even thereafter, no action has been taken.

3. The petitioner averred that on 11.06.2017 she and her husband entered into an Agreement of Sale with R.Jayasudhakaran and R.Balaji in

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purchase of vacant portion of 733 sq.ft. in the layout of “Agaram Villas” situated at Agaramthen Village, Tambaram Taluk and they proposed to construct a Villa admeasuring to an extent of 1271 sq. ft. for a consideration of Rs.50,57,478/- for which they entered into a Construction Agreement with M/s.Rudraksh Housing represented by its Proprietor Mr.B.Vijay Aravind. Thereafter a housing loan was availed from LIC Housing Finance Ltd. and a Tri-partite agreement entered between them on 28.08.2017. The loan amount of Rs.26,70,000/- was transferred to the account of Vijay Aravind without the knowledge of the petitioner and his husband. Thereafter, the said Vijay Aravind changed the building plan without informing the petitioner or her husband. The petitioner's husband refused to accept the changed plan and there was some dispute. This being so, on 25.10.2018, without petitioner's or her husband's knowledge, Vijay Aravind sold the property to a third party for a sum of Rs.32,63,000/-. The said Vijay Aravind informed them that he had repaid the entire outstanding loan amount of Rs.26,82,678/- to the LIC Housing Finance Ltd. and produced a loan closed receipt. In such

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circumstances, her husband committed suicide by hanging. All these facts and particulars were submitted to the respondent police, but no action has been taken. Hence, the above petition.

4. Learned Additional Public Prosecutor submits that in this case on the complaint of the petitioner, a case in Crime No.101 of 2019 under Section 174 Cr.P.C. registered. After investigation the case was closed and further action dropped and closure report was submitted before the jurisdictional Court on 10.12.2022. The Court had taken the same in R.C.S.No.20 of 2022 and ordered notice to the petitioner/de-facto complainant returnable by 01.07.2023. The copy of RCS notice has been handed over to the petitioner. Further learned Additional Public Prosecutor submits that the respondent police would serve RCS report to the petitioner.

5. In view of the above submission, the petitioner is directed to file a protest petition, if she so desires on the RCS No.20 of 2022 and the

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concerned Court is directed to furnish the copy of RCS report to the petitioner, hear the petitioner and proceed in accordance with law.

With the above directions, the Criminal Original Petition is disposed of.

27.06.2023

Index : Yes / No
Internet : Yes/No
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To
1.The Commissioner of Police,
Chennai City Police,
Vepery, Chennai – 600 007.

2.The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai – 600 094.

3.The Sub Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai – 600 094.

4.The Public Prosecutor,
High Court, Madras.

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M.NIRMAL KUMAR, J.

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